

City Council
Atlanta, Georgia

AN ORDINANCE
BY: ZONING COMMITTEE

Z-02-59/Z-00-86

02- 0 -1356

AN ORDINANCE TO AMEND ORDINANCE Z-00-86,
ADOPTED BY CITY COUNCIL JANUARY 16, 2001
AND APPROVED BY OPERATION OF LAW
JANUARY 25, 2001, REZONING FROM THE
I-2 (HEAVY INDUSTRIAL) DISTRICT TO THE
C-3-C (COMMERCIAL-RESIDENTIAL-CONDITIONAL)
DISTRICT, PROPERTY LOCATED AT **800 WEST
MARIETTA STREET, N.W. AND 719 JEFFERSON
STREET, N.W.**, FOR THE PURPOSE OF APPROVING
AN AMENDED SITE PLAN AND AN AMENDED LIST
OF CONDITIONS AS AN ALTERNATIVE DEVELOPMENT
PROPOSAL.

OWNER: ALTAMAHA DEVELOPMENT COMPANY, LLC
APPLICANT: SIRRON GROUP DEVELOPERS, LLC
BY: WILLIAM WOODSON GALLOWAY, ESQ., ATTORNEY
NPU-L COUNCIL DISTRICT 3

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATLANTA, as
follows:

SECTION 1. That Ordinance Z-00-86, adopted by the City Council on January 16, 2001 and approved by Operation of Law January 25, 2002, rezoning from the I-2 (Heavy Industrial) District to the C-3-C (Commercial-Residential-Conditional) District, property located at **800 West Marietta Street, N.W. and 719 Jefferson Street, N.W.** and more particularly described by the legal description contained in Ordinance Z-00-86 (00-0-1893) attached for reference purposes as Exhibit A, is hereby amended so as to approve the site plan entitled "Marietta Street Student Housing, 800 West Marietta Street, N.W. for Sirron Group" prepared by the Ai Group, Architects, dated July 11, 2002, last revised July 16, 2002 and marked received by the Bureau of Planning July 16, 2002, as an alternative design scheme for the development of the above referenced property.

SECTION 2. That the conditions governing the development of property referenced in Section 1 above and contained in the attached Exhibit A, are hereby amended so that, if the alternative design scheme identified in Section 1 above is selected by the developer, said conditions shall be revised according to the changes outlined in the letter dated July 16, 2002 from William Woodson Galloway, Dillard and Galloway, to John Bell, City of Atlanta, Bureau of Planning and attached hereto as Exhibit B.

SECTION 3. That all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

PZ 2001122
Z-02-59/Z-00-86
Exhibit A
Page 1 of 10

00-0-1893

City Council
Atlanta, Georgia

AN ORDINANCE
BY: ZONING COMMITTEE

Z-00-86
10-17-00

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1. That the Zoning Ordinance of the City of Atlanta be amended and the maps established in connection therewith be changed so that the following property located at 800 West Marietta Street, N.W. and 719 Jefferson Street, N.W. be changed from the I-2 (Heavy Industrial) District, to the C-3-C (Commercial Residential-Conditional) District, to wit:

ALL THAT TRACT or parcel of land lying and being in Land Lot 150 of the 17th District, Fulton County, Georgia, and Land Lot 112 of the 14th District, Fulton County, Georgia, being more particularly described by the attached legal description.

SECTION 2. If this amendment is approved under the provisions of Section 16-02.003 of the Zoning Ordinance of the City of Atlanta, entitled, "Conditional Development," as identified by the use of the suffix "C" after the district designation in Section 1 above, the Director, Bureau of Buildings, shall issue a building permit for the development of the above described property only in compliance with the attached conditions. Any conditions hereby approved (including any conditional site plan) do not authorize the violation of any zoning district regulations. District regulation variances can be approved only by application to the Board of Zoning Adjustment.

SECTION 3. That the maps referred to, now on file in the Office of the Municipal Clerk, be changed to conform with the terms of this ordinance.

SECTION 4. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

A true copy,

Rhonda Daughin Johnson
Municipal Clerk, CMC

ADOPTED by the Council
RETURNED WITHOUT SIGNATURE OF THE MAYOR
APPROVED as per City Charter Section 2-403

JAN 16, 2001

JAN 25, 2001

CONDITIONS FOR Z-00-86

Page 2 of 10

1. A site plan titled "Conceptual Site Plan" by Keyfer & Associates, Inc. dated 12-12-00 and stamped received by the Bureau of Planning on 12-14-00 subject to the following:
 - (a) Building heights may be reduced but shall not exceed the height identified for each building except as authorized in (b) below;
 - (b) The office, residential, and retail uses may be transferred within buildings on site, provided:
 - (i) the maximum amount of square footage for each use category is not exceeded;
 - (ii) the proportional amounts of each use project wide are preserved except that up to 50% of the total retail space may be reallocated to residential or live/work space depending upon market conditions; and
 - (iii) Building 8 shall contain no residential uses and up to 175,000 square feet of Building 8 may be transferred to Building 1 which may be increased in height to accommodate said transfer.
 - (c) Buildings 1, 2 and 4 may each be divided into two buildings, subject to condition (b); and
 - (d) Alternative "A" shown on said site plan may be substituted for the referenced portion of the site.
2. The parking ratio for accessory retail shall be 3.0 spaces per 1,000 square feet, or no greater than 150 spaces. The maximum of 150 spaces for accessory retail shall include an allocation of on-street parking spaces. The parking ratio for neighborhood retail/commercial shall be a maximum of 5.0 spaces per 1,000 square feet, not to exceed 200 spaces. This condition shall not be required to be implemented if a special exception application requesting authorization for these reductions is denied by the BZA.
3. Street dimensions shall be as follows:
 - (a) The width of each street lane for moving traffic shall be no greater than 12 feet.
 - (b) The width of parking lanes shall be no greater than 8 feet.
4. Pedestrian crossings shall be constructed as shown on the Site Plan. Pedestrian crossings shall be paved with a color or texture that is different from that of the street paving.
5. Vehicle stop bars shall be painted on streets at a minimum distance of 2 feet from the edge of the crossing pavement.
6. Parking below buildings shall conceal automobiles from view from the street.

7. Sidewalks shall be a minimum of ten (10) feet in width and shall consist of two zones: a five (5) foot wide street furniture and tree planting zone which shall be located adjacent to the curb, and a five (5) foot wide clear zone.
8. Utilities shall be installed underground or to the rear of structures to allow for the unobstructed use of the sidewalks.
9. Unless otherwise required by the City Arborist, street trees shall be planted in the street furniture zone a maximum of twenty-five (25) feet on center, as shown on the site plan, within the street furniture and tree planting zone. All newly planted trees shall be a minimum of two and one-half (2.5) inches in caliper measured thirty-six (36) inches above ground, shall be a minimum of ten (10) feet in height, and shall be limbed up to a minimum height of seven (7) feet. Trees shall have a minimum planting area of 25 square feet.
10. Any street lights added to supplement city lighting shall be spaced a maximum of forty (40) feet on center within the street furniture and tree planting zone, and spaced equal distance between required trees along all streets.
11. All retail and restaurant establishments located on the ground floor of buildings and within ten (10) feet of the existing or proposed publicly-used sidewalk shall provide windows for a minimum of sixty-five (65) per cent of the length of the frontage, beginning at a point not more than three (3) feet above the sidewalk, for a height no less than ten (10) feet above the sidewalk, unless grade changes make compliance with these conditions impractical. Windows for commercial uses shall allow views into the interior or display windows and shall not have painted glass, reflective glass, or other similarly treated windows. Entrances may count towards window requirements. Facades shall have a maximum length of twenty (20) feet without windows or entryway.
12. The ground floor of buildings in which accessory retail is to be provided shall be constructed in such a manner that will provide for primary pedestrian entrances from the street to the accessory retail space. If primary pedestrian entrances are not constructed during initial construction of the building, the design of the ground floor shall be such that window openings can be converted to primary pedestrian entrances. Primary pedestrian entrances shall be provided for accessory retail that is located within ten (10) feet of an existing or proposed public sidewalk, and:
 - (a) shall face and be visible from the street;
 - (b) shall be directly accessible, visible and adjacent to the sidewalk, supplemental zone, pedestrian plaza, courtyard or outdoor dining area adjacent to such street; and
 - (c) shall remain unlocked while the business is operating.
13. A street address number shall be located above the primary building entrance, shall be clearly visible from the sidewalk and shall be a minimum of six (6) inches in height.

14. All companies and businesses that occupy office space shall participate in a Traffic Management Plan (TMP). The TMP may be developed by each business individually or by several businesses collectively, and shall be submitted to the City of Atlanta Bureau of Planning at six months after any member of the company or business first occupies the office space, and thereafter on the yearly anniversary of first occupancy.

The TMP shall contain strategies for reducing the number of single-occupancy vehicle trips. These strategies shall include but not be limited to promoting mass transit including participation in the quantity discount for MARTA Transcards. The strategies shall also include carpooling, telecommuting, encouragement of bicycle travel, and installation of pedestrian access amenities in addition to the pedestrian crossings shown on the Master Site Plan.

The TMP shall be based on an annual commute mode survey. The survey shall be based on a continuous five-day work week for all employees who arrive at the work site between 6:00 A.M. and 10:00 A.M., Monday through Friday. The survey shall be conducted within 30 days of initial occupancy of office space and on each yearly anniversary of that date thereafter for a period of three years and biennially thereafter. A copy of the survey shall be attached to the TMP, and shall be submitted to the Bureau of Planning on each yearly anniversary as described above. At five years, the City and a representative of the businesses that participate in the TMP shall evaluate the usefulness of the annual survey and the City shall determine whether it shall continue on a biennial basis.

The TMP shall include, but not be limited to:

- (a) An estimate of the number of employees and visitors per hour who are expected to use rail and/or bus transit throughout the day.
 - (b) A description of how information regarding new or existing transit stops and building access to such stops shall be communicated to the employees of the buildings.
 - (c) A program to promote and maintain employee participation in carpooling, telecommuting, and use of mass transit, including a method of monitoring the number of ride sharers and their travel plans.
15. Bicycle and moped parking shall be provided as per Section 16-28.014(6) of the Zoning Ordinance.
16. No building permits shall be issued until a storm water management plan and maintenance/monitoring agreement, as described in the attached recommendation by the ARC titled "Structural Storm Water Controls", has been approved and executed by the Department of Public Works.
17. The building identified as Building No. 8 on the Conceptual Site Plan by Keyfer & Associates dated 12-12-00, will not be used for single or multi-family residential

occupancy. The purpose and intent of this condition is to allow said building to serve as a noise and visual buffer to the remaining project buildings without housing potentially impacted residential occupancy within that building.

18. The applicant, its heirs, assigns and successors in interest, hereby agrees to include the following language, in bold print, in each lease agreement initialed by lessee, and in each sales contract agreement initialed by grantee, and in all conveyances associated with said property, entered into by said applicant for all properties that are subject to this rezoning application:

"Lessee (Grantee) understands and acknowledges that nearby properties currently are operated as a scrap metal processing facility by Recycling Industries, Inc., its heirs, assigns and successors in interest or others. Lessee (Grantee) understands and acknowledges the potential impacts from said facility, including but not limited to unsightly visual intrusions and noise impacts, and that such facility may be in operation twenty four (24) hours per day, seven (7) days per week. Lessee (Grantee) further understands and acknowledges that said facility is an industrial use that is authorized by the City of Atlanta Zoning Ordinance.

19. The applicant will construct an eight (8) foot high wood wall along the southwestern boundary of the property of Central Metals, Inc., its heirs, assigns and successors in interest, nearest the railroad right-of-way at a point beginning at the northwestern edge of a currently existing wall and continuing southerly along the length of said property to the existing wall south of Jefferson Street, for a total lineal distance of 500 feet, more or less. Said new wood wall shall not exceed a cost of \$23.00 per lineal foot installed. In addition, associated landscaping will be chosen and installed by applicant on Central Metal's property nearest Jefferson Street in a manner that will improve the visual aesthetics as viewed from Jefferson Street looking toward Central Metals, Inc., its heirs, assigns and successors in interest. Notwithstanding these requirements, under no circumstances shall applicant's total costs associated with costs plus installation of said wall and landscaping exceed a total sum of \$15,000.00. Said wall and landscaping shall be installed prior to issuance of C.O.'s for this project, unless Central Metals, Inc., its heirs, assigns and successors in interest, in their discretion allow applicant more time to install said wall. All usual and necessary easements and access for the installation of said wall and landscaping shall be granted to applicant's contractors by Central Metals, Inc., its heirs, assigns and successors in interest. The purpose and intent of this condition is to provide mutual visual screening between the project users and Central Metals, Inc., its heirs, assigns and successors in interest.

2-02-5912-00-86
Exhibit A

LEGAL DESCRIPTION OF PROPERTY

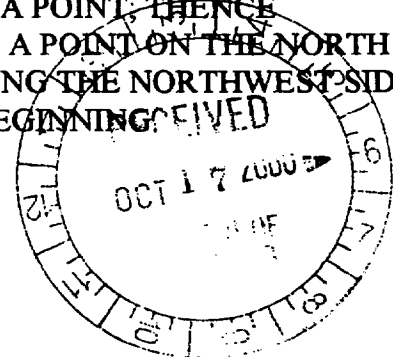
Page 6 of 10

TRACT ONE: ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 150 OF THE 17TH DISTRICT AND IN LAND LOT 112 OF THE 14TH DISTRICT OF FULTON COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE SOUTH SIDE OF WEST MARIETTA STREET WITH THE WESTERLY SIDE OF THE RIGHT OF WAY OF THE SOUTHERN RAILWAY/WESTERN AND ATLANTIC RAILROAD; RUNNING THENCE WEST ALONG THE SOUTH SIDE OF WEST MARIETTA STREET 288.07 FEET TO A POINT; THENCE CONTINUING NORTHWESTERLY ALONG THE SOUTH SIDE OF WEST MARIETTA STREET 253.41 FEET TO A POINT ON THE EAST RIGHT OF WAY OF OLD MARIETTA ROAD; THENCE SOUTHEAST 162.45 FEET TO A POINT; THENCE SOUTHEAST 50 FEET TO A POINT; THENCE CONTINUING SOUTHEASTERLY 150 FEET TO A POINT; THENCE EAST 26.0 FEET TO A POINT; THENCE CONTINUING SOUTHEAST 253 FEET TO A POINT; THENCE SOUTHEAST 50 FEET TO A POINT; THENCE NORTHEAST 94 FEET TO A POINT ON THE WEST RIGHT OF WAY OF SOUTHERN RAILWAY AND WESTERN AND ATLANTIC RAILROAD; THENCE NORTHWEST 136.90 FEET TO A POINT; THENCE WEST 15 FEET, MORE OR LESS, TO A POINT; THENCE NORTH 15 FEET, MORE OR LESS, TO A POINT; THENCE NORTHWEST 20 FEET, MORE OR LESS, TO THE SOUTH SIDE OF WEST MARIETTA STREET AND THE POINT OF BEGINNING; ALSO,

TRACT TWO: ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 112 OF THE 14TH DISTRICT OF FULTON COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE NORTHWEST SIDE OF JEFFERSON STREET WITH THE WESTERLY SIDE OF THE RIGHT OF WAY OF THE SOUTHERN RAILWAY/WESTERN AND ATLANTIC RAILROAD; RUNNING THENCE NORTHWEST ALONG SAID RAILROAD RIGHT OF WAY A DISTANCE OF 1,401 FEET, MORE OR LESS, TO A POINT ON THE SOUTHERLY RIGHT OF WAY OF OLD MARIETTA ROAD; THENCE WESTERLY ALONG THE SOUTHERLY RIGHT OF WAY OF OLD MARIETTA ROAD A DISTANCE OF 300 FEET, MORE OR LESS, TO A POINT; THENCE SOUTH 553.32 FEET TO A POINT; THENCE EAST 176.99 FEET TO A POINT; THENCE SOUTHEAST 312.63 FEET TO A POINT; THENCE CONTINUING SOUTHEAST 134.08 FEET TO A POINT; THENCE SOUTHEAST 422.75 FEET TO A POINT; THENCE CONTINUING SOUTHEAST 310 FEET, MORE OR LESS, TO A POINT ON THE NORTH SIDE OF JEFFERSON STREET; THENCE NORTHEAST ALONG THE NORTHWEST SIDE OF JEFFERSON STREET 100.48 FEET TO THE POINT OF BEGINNING.



2-00-86
Sheet 1 of 2

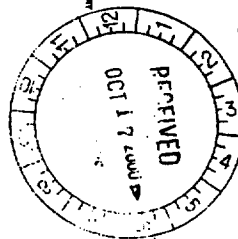
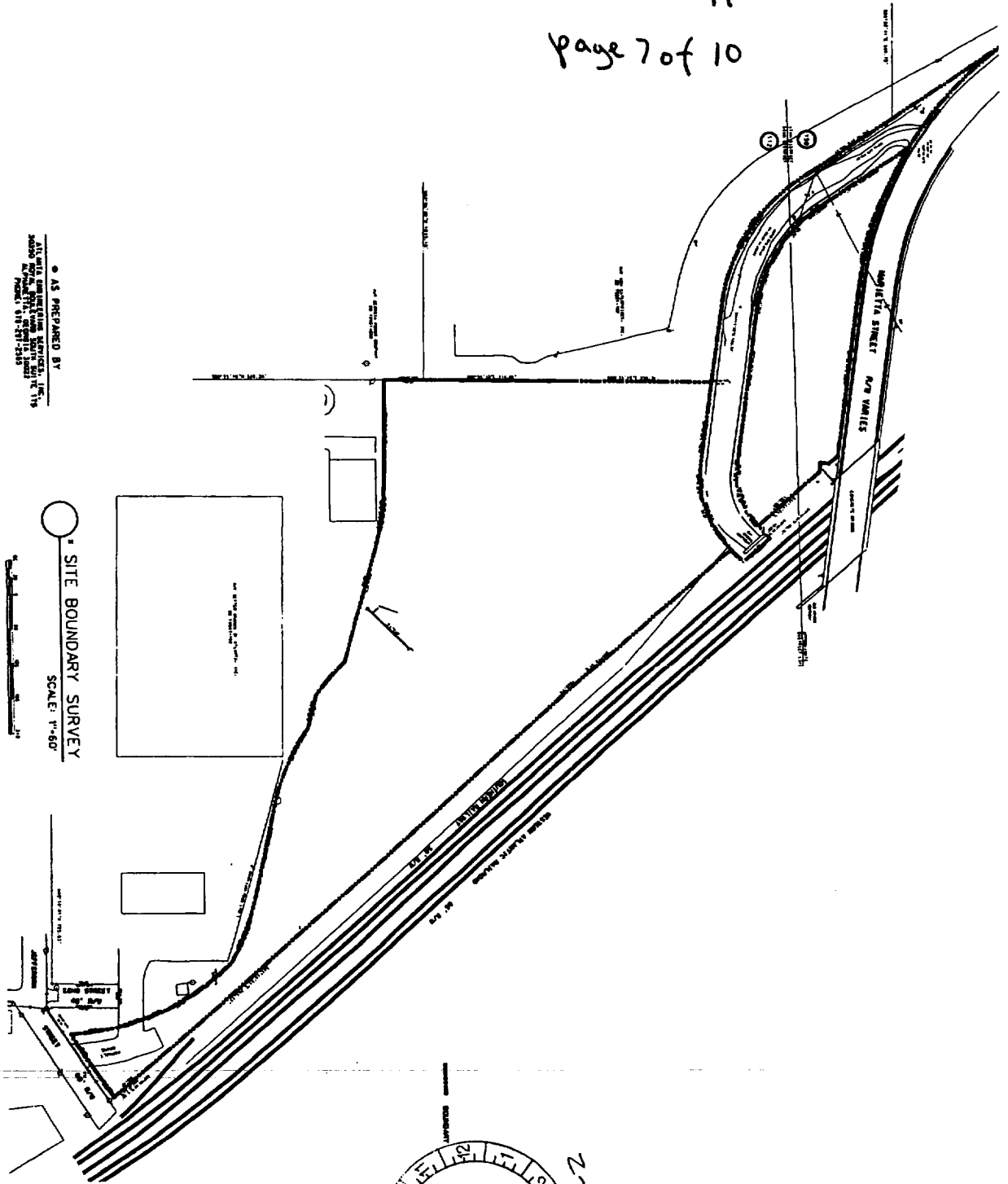
2-0259/2-00-86

Exhibit A

Page 7 of 10

AS PREPARED BY
ALLIANCE SURVEYING SERVICES, INC.
20000 N. 11th St., Suite 100
Phoenix, AZ 85021
Phone: 602-998-2540

○ SITE BOUNDARY SURVEY
SCALE: 1"=60'



Shub2052

2-02-59/2-00-86
 Exhibit A
 page 8 of 10

CONCEPTUAL SITE PLAN SPECIFICATIONS

ZONING CLASSIFICATION: RESIDENTIAL-1-2 PROPOSED C-3-C

PARKING REQUIRED		PARKING PROVIDED		LOADING	
VEHICLE	TRUCK	VEHICLE	TRUCK	VEHICLE	TRUCK
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100% OPEN SPACE (T.O.S.)
 MINIMUM REQUIRED 21,374 S.F.
 PROPOSED (ACTUAL) 20,246 S.F.

100% OPEN SPACE (T.O.S.)
 MINIMUM REQUIRED 17,188 S.F.
 PROPOSED (ACTUAL) 16,000 S.F.

PARKING PROVIDED
 IN ACCORDANCE WITH CHART ABOVE

PARKING SPACES ARE PROVIDED
 ALONG PRIVATE ROADS ON SITE OR
 HOUSED IN PARKING STRUCTURES, EITHER
 ABOVE OR BELOW OCCUPIED BUILDINGS

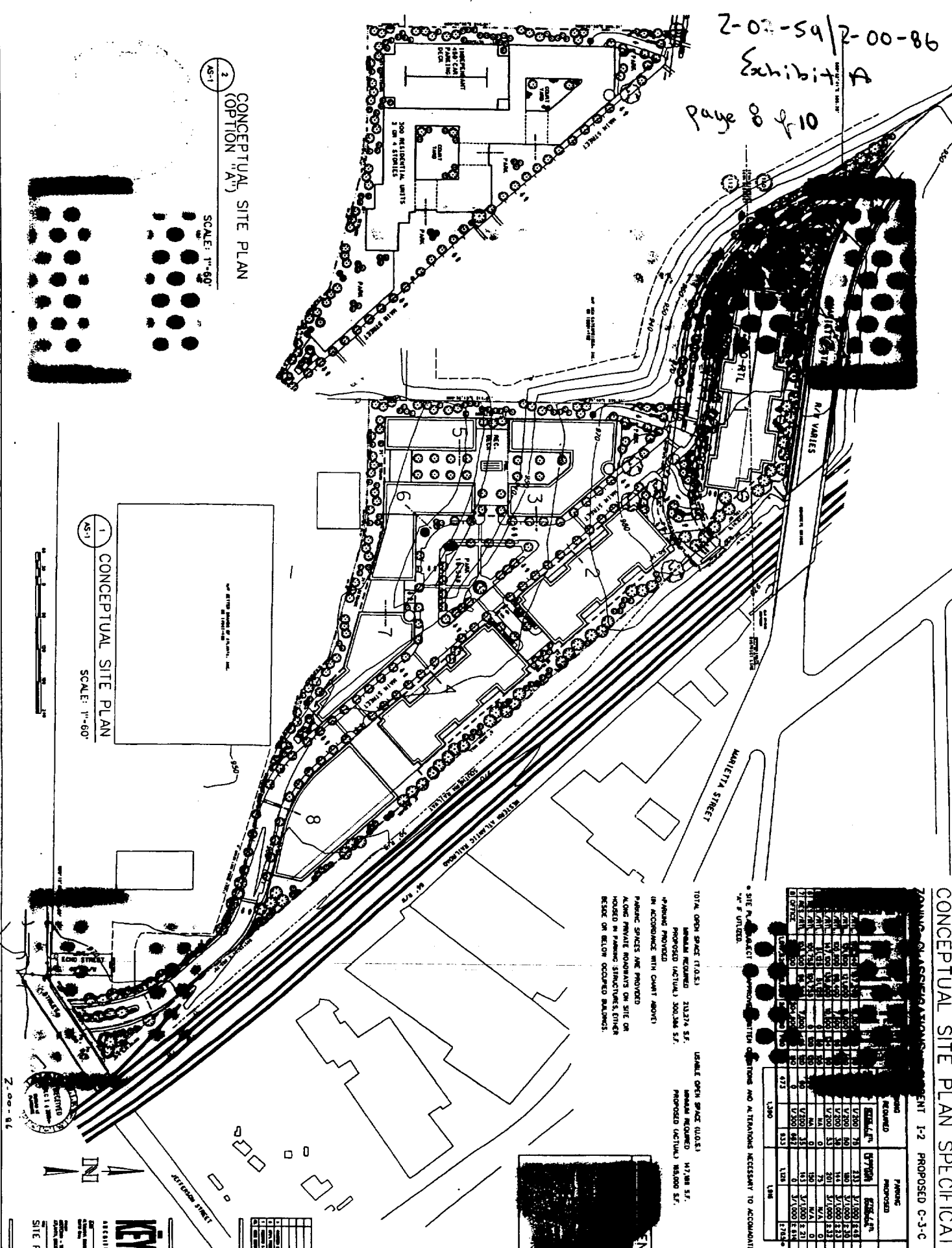
END

CONCEPTUAL SITE PLAN
 (OPTION "A")

SCALE: 1"=60'

CONCEPTUAL SITE PLAN

SCALE: 1"=60'



Z-02-59/2-00-86

DILLARD & GALLOWAY, LLC

ATTORNEYS AT LAW

1500 MONARCH PLAZA
3414 PEACHTREE ROAD, N.E.
ATLANTA, GEORGIA
30326

WILLIAM WOODSON GALLOWAY

Direct Dial Number:

(404) 965-3681

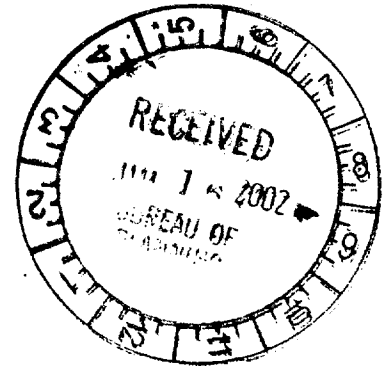
TELEPHONE
(404) 965-3680
FACSIMILE
(404) 965-3670

July 16, 2002

Via Hand Delivery

Mr. John Bell
City of Atlanta Bureau of Planning
68 Mitchell Street, S.W.
Suite 3350
Atlanta, GA 30335-0310

Exhibit B
Page 1 of 3



Re: Application by Sirron Group Developers, LLC to Amend Site Plan for Property Located at 800 West Marietta Street, N.W., and Containing a Gross Land Area of 12.1 Acres; Application Seeks a New Site Plan and Conditions Associated with Z-00-86

Dear John:

The Applicant, Sirron Group Developers, LLC, has contracted to purchase the above-referenced property and seeks to obtain approval of an alternative Site Plan from the Site Plan originally approved, as well as changes to several of the conditions of zoning in order to allow the property to be developed for student housing with commercial and/or office uses along the Marietta Street frontage. I have enclosed fourteen (14) copies of the Keyfer & Associates 12/12/00 plan, fourteen (14) copies of the Alternative Site Plan, a Letter of Intent, and an Owner's Authorization form authorizing Sirron Group Developers, LLC to proceed with this process.

The property is currently zoned pursuant to Z-00-86, which was adopted by City Council on January 16, 2001 and approved as per City Charter on January 25, 2001. The current zoning of the property is C-3-C and is conditioned on a list of nineteen (19) zoning conditions. Based on our review of the zoning conditions, we need to request the following changes be made to those conditions:

I. Alter Condition No. 1 to reflect the following:

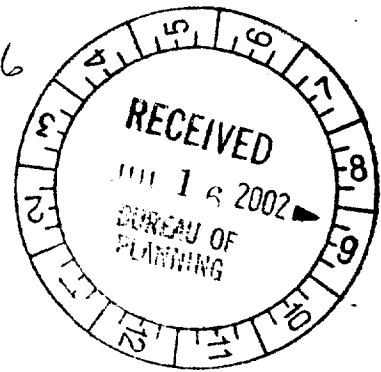
1. The property shall be developed substantially in accordance with either (a) that site plan titled "Conceptual Site Plan" by Keyfer & Associates, Inc. dated 12-12-00 and stamped Received by the Bureau of Planning on 12-14-00 or (b) the property shall be developed substantially in accordance with that alternative site plan titled "Alternative Site Plan" dated 7/16/02 by Ai Group Architects and stamped Received by the Bureau

DILLARD & GALLOWAY, LLC

Mr. John Bell
City of Atlanta Bureau of Planning
July 16, 2002
Page 2

2-02-59/2-00-86

Exhibit B
Page 2 of 3



Site Plan" dated 7/16/02 by Ai Group Architects and stamped Received by the Bureau of Planning on 7/16/02 which shows development of the property for student housing and commercial/office uses. Development of the property under either Site Plan shall be subject to the following:

- (a) Building heights may be reduced but shall not exceed the height identified for each building except as authorized in (B) below;
- (b) The office, residential and retail uses may be transferred within buildings on the site provided:
 - (i) The maximum amount of square footage for each use category is not exceeded;
 - (ii) The proportional amounts of each use project wide are preserved except that up to fifty percent (50%) of the total retail space may be reallocated to residential or live/work space depending on market conditions; and
 - (iii) Building 8 shall contain no residential uses and up to 175,000 square feet of Building 8 may be transferred to Building 1 which may be increased in height to accommodate said transfer. This condition shall only apply to the Conceptual Site Plan dated 12-12-00.

II Applicant requests that Condition No. 6 be changed to incorporate the following language:

- 6. Parking for the retail/office building located along Marietta Street shall be located below the building to conceal automobiles from view from the street. Parking for the residential uses on the balance of the property may be located in as indicated on either the Conceptual Site Plan or the Alternative Site Plan.

III Applicant requests that Condition No. 17 be modified to reflect the following language:

- 17. The building identified as Building No. 8 on the Conceptual Site Plan by Keyfer & Associates dated 12-12-00, will not be used for single or multi-family residential occupancy. The purpose and intent of this Condition is to allow said building to serve as a noise and visual buffer to the remaining project buildings

DILLARD & GALLOWAY, LLC

Mr. John Bell
City of Atlanta Bureau of Planning
July 16, 2002
Page 3

This development condition shall not apply to development under the Alternative Site Plan by Ai Group Architects dated 7/16/02.


It is important to note that some of the original conditions were designed to accommodate concerns by Central Metals which was located adjacent and to the southeast of the subject property. Their concern was that if the subject property was developed for residential uses, the residents might complain about the on-going activities on the Central Metals' property. However, Central Metals is no longer in business on the adjacent property and, therefore, the rationale for some of these conditions is no longer applicable.

My understanding is that the property owner, Altamaha Development Co., LLC, has met with you to discuss these issues. I will be glad to also meet with you to discuss them at your convenience.

Please give me a call should you have any questions or need any further information in this regard.

Sincerely,

DILLARD & GALLOWAY, LLC


William Woodson Galloway

WWG/drd
Enclosures

cc: Mr. John Norris
Altamaha Development Co., LLC
Mr. Ron Ward



2-02-59/2-00-86

Exhibit B

Page 3 of 3